

STATE OF NEVADA

**PROOF OF APPROPRIATION OF WATER FOR STOCK WATERING OR WILDLIFE PURPOSES**

(1) Name of claimant DeLong Ranches, Inc.  
335 Bottle Creek Road of Winnemucca  
Street and No. or P.O. Box No. City or town  
Nevada, 89445  
State and Zip Code No.

(2) Source of water Twain Hot Springs (also known as: Lay or DeLong Hot Springs)  
Name of natural water source.

(3) The water is diverted by spring area  
Dam, ditch, pipe line, natural channel, spring area, etc.

(4) The water is diverted at the following point(s) T37N, R29E, Section 31: SE 1/4 SW 1/4  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land it should be stated.

Diversion over a channel reach must be described by course and distance to a section corner for both the beginning and end of such reach.

(5) The water is impounded in pools  
Troughs, tanks, pools, reservoir, natural channel, etc.

(6) The construction of the ditch or other works was begun 1890 Date  
and completed 1890 Date

(7) The nature of the claimant's title to the land upon which the source of water and place of use are located is public domain with grazing permits  
Patented, deeded, public domain with grazing permit, etc.

(8) The claimant's water right was (was not) recorded in the office of the County Recorder of \_\_\_\_\_ County, at Page \_\_\_\_\_ of Book \_\_\_\_\_ of \_\_\_\_\_

NOTE — Failure to record in the county in no way invalidates a water right, but if water right was so recorded, supply full information under (8).

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(9) The approximate number of animals watered by the claimant during the first year 1890  
Date  
was 450 cattle 30 horses 300 sheep or wildlife (describe) deer, antelope, birds  
Other

The watering was conducted during each of the following months Cattle were watered year-  
round (12 months.) Horses were watered at gathering, branding, and shipping times during the  
spring and fall (4 months). Sheep were watered when trailed to Sulfur to be shipped on the  
railroad (2 months).

(10) The approximate number of animals watered by the claimant in subsequent years was as follows:

450 cattle have been watered at Twain Hot Springs in every subsequent year following 1890.  
300 sheep were watered at Twain Hot Springs until approximately 1920 when the Lay brothers cut  
down their bands. Since 1920, various neighboring ranchers have watered 300 or more head of  
sheep at the Hot Springs while trailing the bands to other areas.

If water was not used, or used in reduced quantity at any time, full information as to causes and duration of non-use should be given.

(11) The amount of water which has been necessary to be diverted for this purpose has been

0 .025 cubic feet per second.  
448.83 gallons per minute equals 1 cubic feet per second.

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JAMES E. LAY

(12) The works are located at T37N, R29E, Section 31: SE ¼ SW ¼  
Describe as being within a 40-acre subdivision, section, township and range of public survey. If on unsurveyed  
land, it should be stated.

Remarks

Twain Hot Springs was originally named Lay Hot Springs after Albert T. Lay and his family who  
were some of the first to begin using the springs to water cattle and sheep around 1904. However, many  
other people, including James Ruddell, James Sloan, George Kreig, and J.H. Thies, used the Hot Springs  
to water livestock prior to use by the Lays.

The Hot Springs are located approximately 22 miles south of Jackson Creek Ranch in Humboldt  
County, Nevada. Occupants of Jackson Creek Ranch have historically run cattle throughout the  
surrounding area, including the land encompassing Twain Hot Springs. Jackson Creek Ranch has  
existed prior to 1875 as indicated on survey plat maps digitalized on the internet and archived in the  
University of Nevada – Reno collection and BLM collection which depict a house and corrals  
established in that year (T40N, R30E, Section 24). Jackson Creek Ranch is now owned by DeLong  
Ranches, Inc. and has been in the DeLong family since 1939.

The earliest known documentation of use for Twain Hot Springs is from an article that appeared  
in the Daily Nevada State Journal dated September 20, 1890. George Kreig, who bought the Sloan  
Ranch and cattle on Jackson Creek, stated that he is finding more cattle alive on the ranch than expected  
after the severe winter of 1890. [He found] “several hundred head of cattle where none were supposed  
to have survived the winter.” In 1889, George Kreig bought Jackson Creek Ranch and several  
surrounding properties including Mary Sloan Ranch— named for his wife Mary Sloan Kreig. George

Kreig was using the lands surrounding Twain Hot Springs to run cattle as no fences existed from Jackson Creek Ranch, south to Sulfur, Nevada. (Still today, no fences exist in that area.) George Kreig maintained the Hot Springs for use by his cattle as this was the only major source of water for miles. In addition, it was one of the only year-round water sources as most creeks in the area are seasonal.

Another known use of this Hot Springs includes J.H. Thies, well-known stock-raiser originally from Lovelock who owned Jackson Creek Ranch in 1897. In the *People's Advocate*, published in Humboldt County, Nevada, dated August 23, 1898, Carrol and Calkins, go to Jackson Creek Ranch to "rodeo 1000 head of cattle" purchased from J.H. Thies. Again, Twain Hot Springs was used and maintained as a primary water source for these cattle.

In 1909, Albert T. Lay filed an Application for Permit (#1531) on this Hot Springs. He was granted a Certificate of Appropriation (#281) in 1916. During that time, the area surrounding Twain Hot Springs was unsurveyed, so the description of the water right is described as a distance from a known, surveyed point, not as a quarter-section of a township and range.

Although Albert Lay did not file on the Hot Springs until 1909 and did not begin construction of the flume and watering troughs until "no later than January 1, 1911" (as specified in his Application for Permit,) he and his family were using this water much earlier as indicated by a variety of sources. A notation of Albert Lay of Jackson Creek appears in a July 31, 1898, edition of *The People's Advocate*, a newspaper published in Humboldt County, Nevada, indicating that Albert Lay was residing in the area by this date. United States Census Records from 1900, list Albert T. Lay, wife Minnie, and brother, Onesime Lay residing at Bartlett Creek, just west of Jackson Creek Ranch. In the book, *A History of the State of Nevada*, by Thomas Wren published in 1904, James Ruddell and wife are residing at Jackson Creek Ranch with a granddaughter. (James Ruddell and his wife, Parthenia, were the parents of Minnie Lay, wife of Albert Lay.) In a series of articles about Humboldt County written by Allen C. Brag in the year 1905 and compiled into a book entitled *Humboldt County, 1905*, the Lay Brothers are described as owning Jackson Creek Ranch and running cattle. Numerous "Proofs of Appropriation for Water" (including V00756, V00757, V00766) filed with the Division of Water Resources by the Lay family in the early 1900's indicate that members of the family were using the waters of various creeks in the Jackson Creek Ranch area as early as 1895.

In approximately the year 1904, the Lay brothers began running cattle and sheep from Jackson Creek Ranch all the way South to Seven Troughs, encompassing the area surrounding Twain (or Lay) Hot Springs. A cabin and corrals with watering troughs existed at the site of the Hot Springs, as this was the main watering stop for livestock between Jackson Creek Ranch and the town of Sulphur, Nevada -- a railroad town located approximately 13 miles south of Twain Hot Springs where cattle and sheep were shipped by rail. The Hot Springs was also the main winter camp for cowboys gathering cattle in the area. As a young boy, John DeLong remembers seeing remnants of the old troughs and structures used by the Lay brothers that were still identifiable around Twain Hot Springs.

The Lay family ran numerous cattle in the area of Twain Hot Springs. In an article found in the *Nevada State Journal*, printed September 30, 1925, Lay Land and Stock Company-- formed by the Lays in which Albert T. Lay was president -- was running 2,600 head of cattle on their holdings in and around the Jackson Mountains. The article also states that the properties of the company were "one of the oldest in the state of Nevada."

In 1942, during World War II, when the Black Rock Desert was made into a military Bombing Range, the United States Government leased Twain Hot Springs from Bill and Dale DeLong, predecessors of DeLong Ranches, Inc. By leasing the Hot Springs, the United States of America thereby acknowledged the DeLong's ownership of the water rights on Twain Hot Springs. (See attached documentation.)

Today Twain or Lay Hot Springs is also known as DeLong Hot Springs. It is still used to water cattle just as it has been since 1890 beginning with George Kreig. Cattle have been run throughout the area for every subsequent year following the year 1890.

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The undersigned, being first duly sworn, deposes and says that the facts relative to the appropriation of water by John DeLong for DeLong Ranches, Inc are full and correct to the best of his knowledge and belief.

If proof is not made by claimant, deponent should state on this line by virtue of what authority he represents the claimant.

John DeLong for DeLong Ranches  
Claimant

Telephone No. (1775) 859 0240

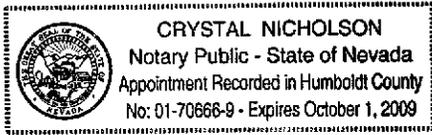
By John DeLong  
335 Bottle Creek Rd

Street and No., or P.O. Box No.

Winnemucca NV 89445

City, State, Zip Code No.

Telephone No. (1775) 8590240



Subscribed and sworn to before me this 23 day of March, 2009

State of Nevada

Notary Public in and for the County of Humboldt

My commission expires October 1, 2009

**\$50 FILING FEE MUST ACCOMPANY PROOF**

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